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List of issues in relation to the second periodic report of Kyrgyzstan

Addendum

Replies of Kyrgyzstan to the list of issues*

[17 January 2014]

1. Regarding the fact that the Constitution of the Kyrgyz Republic has supreme legal force and direct effect, the provisions of international human rights treaties have direct effect and priority over other norms of international treaties (Article 6 of the Constitution). Based on this, the courts have the right to apply the provisions of international treaties in rendering a decision on a particular case.

2. However, it is not possible to provide examples of the application of the provisions of the International Covenant on Civil and Political Rights by the courts as the maintenance of statistic is not practised.

3. Currently, the provisions of the Covenant are not used in the materials of the proceedings and decisions of the courts.

4. It should be noted that the Government Decree on the establishment of the Human Rights Coordination Council under the Government of the Kyrgyz Republic, a very important document for the further promotion of human rights in Kyrgyzstan, was adopted in November 2013. The Council was composed of the heads of all state agencies involved in human rights issues. The Council, chaired by the Vice Prime Minister of the Kyrgyz Republic, is endowed with broad powers to enforce Kyrgyzstan to implement international obligations in the field of human rights.

* The present document is being issued without formal editing.

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5. The work on the development of the draft Law on Amendments to the Law on the Ombudsman has been initiated by the Ombudsman from the second half of 2013. The project has received initial positive expert assessment of compliance with the Paris Principles from the UN agencies. A meeting of the expert group that gathered together the representatives of international organizations and working groups of the Ombudsman of the Kyrgyz Republic was held on November 19 for the final discussion of the draft law on the compliance with international obligations. The Office of the Ombudsman held a public hearing on November 29 attended by MPs, representatives of government agencies, international and civil communities. The draft law will be submitted to the Human Rights, Constitutional Legislation and State Structure Committee of the Parliament of the Kyrgyz Republic. To date, the Ombudsman institute was awarded the status B.

Non-discrimination, equal rights of men and women, minority rights

6. The following are relevant here: Constitution of the Kyrgyz Republic, the Law of the Kyrgyz Republic "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women", National Strategy of the Kyrgyz Republic for achieving gender equality by 2020, the National Action Plan on Gender Equality in the Kyrgyz Republic for 2012-2014.

7. In accordance with the Law of the Kyrgyz Republic "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women", as well as the effective implementation of public policies to achieve gender equality in the Kyrgyz Republic, the Government Decree No. 443 of the Kyrgyz Republic as of June 27, 2012 approved:

- National Strategy of the Kyrgyz Republic for achieving gender equality by 2020;
- National Action Plan on Gender Equality in the Kyrgyz Republic for 2012-2014.

8. This is the first long-term document in Kyrgyzstan in the area of gender equality. The strategy focuses on the introduction of legal and institutional changes designed to eliminate gender discrimination and is a logical extension of the state gender policy implemented within 20 years of independence of the Kyrgyz Republic. Consultations with representatives of civil society at the national and local levels took place within the framework of the development of the strategy.

9. The first step in implementing this strategy is the mid-term National Action Plan on Gender Equality (NAP-3) for 2012-2014. A distinctive feature of the strategy and the NPA-3 is the development of indicators for monitoring and allocation of a special budget for the implementation of the activities envisaged.

10. The main priorities of the Strategy are: women's economic empowerment, creation of functional education, eliminating gender discrimination and increasing women's access to justice, promoting gender parity in decision-making and promotion of women's political participation.

11. M. Kudryashov was detained by the Bishkek Department of State service of financial police on October 30, 2010, in the course of search operations, namely under the check purchase conducted near the cafe "Pioneer", located on the east side of Karalaev Street in Bishkek, when Kudryashov was selling DVD discs in the amount of 99 pieces to M. Sabirov with signs of a pornographic nature at 10 000 soms. A computer "Pentium 3", DVD discs containing pornographic nature in the amount of 316 pieces and ads on the sale of 144 pieces of gay films were found on the same day during the search of the apartment of Kudryashov located at 4/57 Termichikov Street, Bishkek.

12. Based on the decision of the Oktyabrsky District Court as of March 4, 2011, Michael Kudryashov was convicted under the Article 262 of the Criminal Code of the Kyrgyz Republic to 1 year and 6 months of imprisonment.

13. In accordance with the Article 63 of the Criminal Code, the penalty imposed was defined as conditional with a probation period of 1 year.

14. Physical evidence: DVDs in the amount of 99 pieces, sealed in the package, and 316 pieces sealed in a black sports bag, 2 pieces, sealed by the expert of the Ministry of Justice of the Republic of Kazakhstan and the announcement of the sale of 144 pieces of gay films (Printed papers) were destroyed. Processor of the "Pentium 3", printer "HP" and mobile phone "QVGA TFT LCD" were returned to M. Kudryashov.

15. According to the decision of the judicial board on criminal cases and cases on administrative offenses of Bishkek City Court as of July 26, 2011, the decision of Oktybrsky district court of Bishkek as of March 4, 2011 was upheld.

16. According to the decision of the judicial board on criminal cases and cases on administrative offenses of the Supreme Court of the Kyrgyz Republic as of April 12, 2012, the decision of the judicial board on criminal cases and cases on administrative offenses of Bishkek City Court as of July 26, 2011 was upheld.

17. Concerning the judicial materials on the complaint of M. Kudryashov to Kambaralyev's decision, the prosecutor of the Bishkek Prosecutor's Office as of June 16, 2011 on the refusal to institute criminal proceedings, the Supreme Court reports that Kudryashov appealed to Pervomaysky District Court of Bishkek on March 14, 2012 with a complaint to invalidate the decision of Kambaraliev, the prosecutor of the Bishkek Prosecutor's Office as of June 16, 2011 on the refusal to initiate criminal proceedings against the staff of State service of financial police. The statement pointed out that the workers of State service of financial police had beaten him up. There is a forensic medical examination number 4743 as of 26 November 2010 on the infliction of bodily harm that did not cause short-term health problems, as well as an extract from the Bishkek Scientific and research centre of traumatology and orthopedics, which states that a closed craniocerebral injury, soft tissue injury of the occipital region, soft tissue concussion were found. It considers that the actions of the State service of financial police in Bishkek contain the elements of crime under the Article 305-1, Article 304 of the Criminal Code of the Kyrgyz Republic.

18. According to the decision of the Pervomaysky District Court of Bishkek as of March 30, 2012, the complaint of Kudryashov regarding Kambaraliev's decision, the prosecutor of the Bishkek Prosecutor's Office as of June 16, 2011 on the refusal to initiate the criminal case, was denied.

19. According to the decision of the judicial board on criminal cases and cases of administrative offenses of the Bishkek City Court as of May 16, 2012, the decision of the Pervomaysky District Court as of March 30, 2012 was upheld. The private complaint of Kudryashov was denied.

20. By the decision of the judicial board on criminal cases and cases on administrative offenses of the Supreme Court of the Kyrgyz Republic dated September 5, 2012, the decision of the Pervomaysky District Court as of March 30, 2012 and the decision of the judicial board on criminal cases and cases on administrative offenses of Bishkek City Court as of 16 May 2012 were upheld. The supervisory appeal of Kudryashov was denied.

21. In accordance with the Article 16 of the Constitution, all citizens of the Kyrgyz Republic have equal rights, are equal before the law, the court, regardless of ethnicity, religion.

Violence against women, including domestic violence, human trafficking, family life, equality before the law

22. In accordance with the Law "On social and legal protection from domestic violence", the Internal Affairs authorities implemented organizational, legal and preventive measures for the prevention of family violence.

23. In order to implement the given Law, the Ministry of Internal Affairs of the Kyrgyz Republic developed the instruction on the introduction of temporary protection orders into practical activities of the internal affairs bodies of the Kyrgyz Republic and conducting statistical reporting accordingly that was approved by the order of the Ministry of Internal Affairs under No. 388 as of October 7, 2004.

24. In addition, taking into account the legal practice and experience, a new guideline on organization of the activities of the internal affairs bodies of the Kyrgyz Republic to combat and prevent domestic violence, as well as a new form of temporary protection orders were developed and approved by order of the Ministry of Internal Affairs of the Kyrgyz Republic under No. 844 as of September 28, 2009.

25. The responsibilities of the officers of internal affairs bodies to prevent and combat domestic violence were developed. A form of the temporary protection orders and the order of its issuance was also developed with the specification of the conditions of the temporary protection order, as well as the mechanism of control.

26. The instruction on the procedure of establishing departmental statistical reports on the issued temporary protection orders on the perpetrators of domestic violence and victims of family violence was developed and approved by the order of Ministry of Internal Affairs under No. 321, dated as of April 27, 2009. The forms of departmental reports were approved, which include gender-disaggregated data on persons committing domestic violence, victims of domestic violence, information by age, employment, education, etc., as well as data on the issued temporary protection order.

27. The experts of the Public Fund "Research Center of Democratic Processes" in cooperation with employees of the MIA under the support of the "Soros-Kyrgyzstan" and OSCE conducted trainings on the prevention of family violence for police inspectors, juvenile inspectors and staff of the front office of the internal affairs bodies of the country.

28. OSCE supported publication of informational booklets for the public on the issues of protection against violence in the state and official languages. These booklets are available on the information stands of front offices of the internal affairs bodies and City Police Department and available to all visitors. Memos for police officers of the internal affairs bodies were developed that provide information about their duties on preventing domestic violence. Training manuals "Prevention and investigation of crimes related to violence against women and children" (Academy of Ministry of Internal Affairs) and "The Role of the internal affairs bodies in preventing and countering gender and domestic violence" were published under the auspices of the Institute of Human Development "NIVOS".

29. Trainings on combating domestic violence with the distribution of manuals were organized for the district inspectors of the of the district department of the internal affairs in Bishkek.

30. The Academy of MIA introduced a course "Gender policy in the activities of the internal affairs bodies" into the academic program.

31. In order to increase the effectiveness of the legal protection of persons from domestic violence in MIA The amendment to Article 66-3 of the Code of Administrative Offences of KR, providing detention of perpetrators of domestic violence and the

application of administrative arrest for up to 5 days (Law of KR dated as of July 25, 2012 under No. 136).

32. Social prevention centers that help greatly in the prevention of family violence have been established and operating. 551 social prevention centers were established and operating in the republic, including 30 centers in Bishkek, 13 in Osh city, 115 in Chui oblast, 70 in Issyk-Kul, 66 in Naryn, 91 in Osh oblast, 89 in Jalal -Abad, 34 in Talas and 43 in Batken oblasts.

33. 11 237 representatives of the public were joined into public preventive centers, including 565 women's councils with a number of 2886 people, 559 youth councils with a number of 2692 people.

34. According to the initiative of the Ministry of Internal Affairs, the Action Plan on the implementation of the Resolution 1325 of the UN Security Council on the role of women in peace and security was developed and approved by the Government Decree No. 78 as of February 18, 2013, which has identified "the formation of institutional protection of the rights of women and girls in the prevention of conflicts" as the priority.

35. From the statistical manual "Women and men of the Kyrgyz Republic", 2008-2012:

> In 2012, the internal affairs bodies reported 2580 cases of domestic violence, 2415 temporary protection orders were issued, there were instituted administrative proceedings against 1663 persons, 183 criminal cases were initiated and sent to court (this constitutes 7.2% of all offenses against a person). 4313 persons addressed to health care establishments, including 2024 persons to the departments of forensic tests; 6882 persons to crisis centers, courts of elders, puglic funds (2.6 times higher than reported in the internal affairs bodies). In 2012, 716 administrative offenses were heard by the courts on domestic violence, 194 were closed cases from the number of criminal cases on domestic violence, 810 is th. number of persons convicted of domestic violence.

36. In 2013, a draft resolution of the Government of the Kyrgyz Republic on the establishment of an interagency working group to improve the norms of the Law of the Kyrgyz Republic "On social and legal protection from domestic violence" was developed in accordance with paragraph 3.1.1 of the National Action Plan on Gender Equality in the Kyrgyz Republic for 2012-2014, approved by the Government of the Kyrgyz Republic on June 27, 2012 under No. 443. This draft resolution of the Government of the Kyrgyz Republic was submitted to the Government Office of the Kyrgyz Republic for review.

37. A consultative meeting of government officials, experts and representatives of non-governmental and international organizations was held on December 19, 2013 to discuss the new draft Law of the Kyrgyz Republic "On social and legal protection from domestic violence".

38. A crisis center "Sezim" operates in Bishkek. It provides rehabilitation and reintegration support (in the mode of living in and outside the shelter) for women and their children affected by gender, domestic violence and trafficking.

39. The Ministry of Social Development of the Kyrgyz Republic, in accordance with the Law of the Kyrgyz Republic "On state social order" and the Regulation on the order of holding competition on social programs (projects), approved by the Government of the Kyrgyz Republic in 2012, allocated funds in the amount of 443.0 thousand soms.

40. 797.3 thousand soms were allocated from the state budget in December 2013 for the implementation of the project of the Public Fund "House of Peace" (*Dom Mira*) in Tokmak. The project aimed to support the psychological and social health of men through innovative psychosocial technologies, application of best practices of other countries will affect the

rehabilitation of men caught in crises, ensure the coverage of men's problems in society, protection of the rights of men, prevention of domestic violence. The project envisages the creation of a team of "gender-competent" men who will contribute to the promotion of gender equality. The amounts mentioned will be allocated from the republican budget.

41. The country also has 12 crisis centers to support victims of violence. Crisis centers implement various programs that offer a wide range of services on social support. Almost all crisis centers provide psychological rehabilitation, legal assistance (advice, representation in court, assistance in drafting pleadings and restoring documents, etc.) and medical consultations.

42. Regarding the establishment of a separate body responsible for gender equality in all ministries: currently this function has been shifted on to the department of gender policy of the Kyrgyz Republic of the Ministry of Social Development of KR.

43. In 2012, the investigators of the law enforcement agencies initiated 60 criminal cases (including 1 prosecutors', 59 internal affairs bodies) under the Article 123 (Human trafficking) of the Criminal Code.

44. Within 11 months of 2013, the investigators of the law enforcement agencies initiated 40 criminal cases (including 2 prosecutors', 38 internal affairs bodies) under the Article 123 (Trafficking) of the Criminal Code.

45. According to the summary report and analysis of local courts of the Kyrgyz Republic for 2012 and 9 months 2013:

(a) On the Article 124 of the Criminal Code (Human trafficking):

- 8 criminal cases were considered against 10 persons in 2012, including 7 convicted persons, 3 acquitted persons;
- within 9 months of 2013 6 criminal cases against eight persons were considered, including 6 persons convicted, and the proceedings were terminated in respect of two persons.

(b) According the Article 204-1 of the Criminal Code (organization of illegal migration):

- 1 criminal case against one person was considered in 2012 who was convicted;
- Within 9 months of 2013, 2 criminal cases against 4 persons were considered, all were convicted.

46. The expert working group (No. 129 as of September 30, 2013) for inventory of the legislation of the Kyrgyz Republic in the field of combating human trafficking was created in accordance with the action plan on implementation of the Programme of the Government of the Kyrgyz Republic for 2013-2016, approved by the Government of the Kyrgyz Republic on January 14, 2013 under No. 14.

47. Activities of courts of elders are based on the Law of KR "On courts of elders". The courts of elders may be established by the decision of the meeting of the citizens of a particular settlement, local councils or other representative body of local self-government in the territory of villages, towns and cities from among the elders or other respected citizens. The courts are guided by the Constitution of the Kyrgyz Republic, by the present Law and other normative and legal acts of the Kyrgyz Republic.

48. The Act specifically prescribes functions of the courts of elders. Thus, they consider and resolve materials sent by the local courts on civil cases according to the procedures prescribed by the civil procedure code and materials directed by the courts, prosecutors,

investigative bodies, on which criminal proceedings were discontinued, for the application of measures of social impact in accordance with the criminal procedure legislation. Besides, the courts of elders may consider proceedings on the application of the citizens (with the consent of the parties) to resolve property and family disputes in order to achieve reconciliation and other cases provided by this Law.

49. Memorandum of Cooperation between Akyikatchy (Ombudsman) of the Kyrgyz Republic, the Ministry of Youth, Labour and Employment of the Kyrgyz Republic, the Ministry of Internal Affairs of the Kyrgyz Republic, the Ministry of Education and Science of the Kyrgyz Republic, the Ministry of Health of the Kyrgyz Republic was drafted and signed in 2012 to implement the initiative of Akyikatchy (Ombudsman) of the Kyrgyz Republic "2012 is the year to fight against bride kidnapping against their will and violence against women".

50. The law enforcement investigators initiated 13 criminal cases (of which 4 by the prosecution investigators, 9 by the internal affairs bodies) under the Article 154 (coercion to actual marital relations with a person under the age of seventeen) of the Criminal Code in 2012. In general, 25 (of which 25 by the internal affairs bodies) criminal cases were initiated under the Article 155 (Forcing women to marry or obstruction of entry into marriage) of the Criminal Code.

51. Within 11 months of 2013 law enforcement investigators initiated 5 criminal cases (of which 5 by the internal affairs bodies) under Article 154 (coercion to actual marital relations with a person under the age of seventeen) of the Criminal Code. According to Article 155 (Forcing women to marry or obstruction of entry into marriage) of the Criminal Code 20 criminal cases were initiated (of which 3 prosecution investigators, 17 – by the internal affairs bodies).

52. The Ministry of Internal Affairs and Crisis Center "Sezim" signed a Memorandum on cooperation in the fight against bride kidnapping and domestic violence on October 1, 2012.

53. According to the summary report and analysis of the work of local courts of the Kyrgyz Republic for 2012 and 9 months of 2013:

(a) On the Article 154 of the Criminal Code of the Kyrgyz Republic (coercion to actual marital relations with a person under the age of seventeen):

- In 2012, in general 15 criminal cases were considered. 2 of them returned to the prosecutor, 1 case was sent to another court, 4 cases were terminated and 8 cases were considered with the extension of the judgment, on which 9 persons were convicted and proceedings on 8 persons were terminated;
- Within 9 months of 2013, 4 criminal cases were considered. 2 of them were returned to the prosecutor and two cases were considered with the extension of the judgment, on which three persons were convicted and the proceedings on 2 persons were terminated.

(b) According to the Article 155 of the Criminal Code of the Kyrgyz Republic (forcing woman to marriage, kidnapping of women for marriage or obstruction of entry into marriage):

- In 2012, 12 criminal cases were considered, proceedings on 8 cases were terminated, and 4 cases were considered with the extension of the judgment in which 6 persons were convicted, the proceedings were terminated in respect of 11 persons;
- Within 9 months of 2013 18 criminal cases were considered, including 4 cases returned to the prosecutor, proceedings on 5 cases were terminated and

9 cases were considered with the extension of the judgment, with 28 people convicted and the proceedings in relation to 9 persons were terminated.

54. In December 2012 amendments were made in the Articles 154, 155 of the Criminal Code of the Kyrgyz Republic that make the liability for bride kidnapping more severe, namely the sanctions as referred in the second part of the Article 154 of the Criminal Code were changed by increasing the minimum term of sentence from three to five years of imprisonment, the maximum term from seven to ten years; separation of Article 155 of the Criminal Code in two parts, the identification in the second part of the qualifying essential element of offence of "bride kidnapping for entry into marriage against her will" and greater responsibility for the crime by imposing a sentence of imprisonment for a term of five to seven years.

Right to life and liability

On the case of Khairullo Amanbaev

55. MIA conducted an internal investigation on the case of *Khairullo Amanbaev*, according to which the facts on the case have not been confirmed.

56. The fact of death of *Khairullo Amanbaev*, the suspect in a criminal case No.141-10-230 who was brought to the Department of the Internal Affairs of Osh city was recorded on July 11, 2010. While trying to escape on June 30, 2010 at around 11.30, he fell down the stairs from the second floor and hit his head, as a result, he was brought to the Osh city hospital, where he died on July 11, 2010. The fact of his escape, and that he himself fell from the stairs was confirmed by his lawyer as well as by Sabirova Sidon, his neighbor.

On the case of Usmonzhan Halmirzoev Atashevich

57. As a result of the internal investigation held on the fact of the death of *Usmonzhan Halmirzoev* on August 9, 2011, 8 personnel of the Department of Internal Affairs of Bazar-Korgon rayon were dismissed, 2 heads of the Internal Affairs Management were imposed disciplinary sanction.

58. A criminal case No. 166-11-176 was initiated on August 9, 2011 according to the Articles 104 part 4, 305 part 1, part 2 para. 5, 313 part 1, 304 part 2, 339 part 2 of the Criminal Code of the Kyrgyz Republic by the Prosecutor's Office of Bazar-Korgon rayon.

59. Nureyev Kuban Baktybekovich, Tutashev Nurgazy Syrdashbekovich, Ismailov Ularbek Tavaldievich, Mamataliev Munarbek Azimzhanovich were put on to trial on the given criminal case. A preventive measure in the form of detention was taken against them.

60. In July 2013 the above officers were dismissed from the Department of Internal Affairs.

61. The given criminal case was addressed to Sokuluk District Court for further consideration on December 29, 2011 by the decision of the Supreme Court.

62. The criminal case was sent back to fill the gaps of the investigation on March 15, 2012.

63. According to the Decree of Sokuluk District Court as of July 1, 2013, the petition of the lawyer Maatzhakypov to send the case to the territorial jurisdiction to Jalal-Abad City Court was not satisfied.

64. By the decision of the judicial board on criminal cases and cases on administrative offenses of Chui Oblast Court as of July 31, 2013, the appeal proceedings on individual complaints of the lawyers J. Maatzhakypov and D. Ibralieva were discontinued, special appeal left without consideration.

65. By the decision of the judicial board on criminal cases and cases on administrative offenses of the Supreme Court of the Kyrgyz Republic as of October 29, 2013, the decision of the judicial board on criminal cases and cases on administrative offenses of Chui Oblast Court as of July 31, 2013 was cancelled, the criminal case was remanded for a new trial in Chui Oblast Court.

66. The case against U. Ismailov, N. Tutashev, K. Nureyev, M. Mamataliev is at the stage of investigation in Chui Oblast Court.

On the case of Hurmatillo Shermatov

67. According to circumstances, H. Shermatov was brought to the Internal Affairs Management of Osh oblast on February 4, 2011 for investigation of the implication in committing home burglary, but was subsequently released. On August 3, 2011 (after more than 6 months), H. Shermatov was hospitalized by the regional hospital, where he died on August 14, 2011. Relatives of H. Shermatov charged the staff of the Internal Affairs Management of Osh oblast with the death of Shermatov. Osh oblast Prosecutor's Office conducted an investigation, according to the results of which a criminal case was dismissed due to lack of evidence.

On the case of Esen Mombekov

68. The list of questions provides information that Esen Momunbekov (in the list of Mambekov) died while in custody in law enforcement. The investigation conducted by the MIA of KR on the fact of death of E. Momunbekov as of September 14, 2012, born in 1977, revealed that the precinct inspectors of Kyzyl Tuu City Police Department during the inspection of the market territory in Kyzyl -Tuu on September 13, 2012, found Momunbekov with a head injury on the roadside. They drove Momunbekov in their private vehicle to the rural hospital in Kyzyl -Tuu. E. Momunbekov was taken to the district hospital in Aksy rayon after getting primary health care. On September 14, 2012, Momunbekov died from his injuries.

69. A criminal case No 133-12-134 based on the Article 104, Part 4 of the Criminal Code was initiated on the same day by the Prosecutor's Office of Aksy rayon.

70. Following the results of the official investigation, senior police inspectors of Kyzyl-Tuu City Police Department: – Moldobaev Talent Derbishalievich, the police major, Kudaiberdiev Ularbek Mirovich, the police lieutenant, Korgolov Ulukbek Teltaevich, district police officer of the same City Police Department, police lieutenant were dismissed from their posts till the end of the investigation .

71. Tashibekov Nurlan Tusunbaevich, the head of Kyzyl- Tuu City Police Department, police major dismissed from his post.

72. Heads of the Department of Internal affairs of Aksy district were attracted in to various disciplinary punishments (order of the MIA under No. 699 as of September 19, 2012).

73. T. Moldobaev, U. Kudaiberdiev and U. Korgolov addressed with a letter of resignation from their department of Internal Affairs on their own free will and by order No. 55 of the Internal Affairs Management of Jalal-Abad oblast, they were dismissed from the Internal Affairs Department on the same day according to the Article 94, "A" (own will).

74. The Prosecutor's Office of Aksy rayon closed the criminal proceedings against T. Moldobaev, U. Kudaiberdiev and U. Korgolov due to the lack of evidence on December 28, 2012.

75. T. Moldobaev is now working as a district police inspector in Tasha-Kumar.

76. Thus, the information that the police inflicted injuries to E. Momunbekov for the attempt to escape, because of which he died, does not correspond to the facts.

On the case of Firuzbek Fizuyev

77. With regard to E. Babaev and O. Kapustin (victim Fizuyev), by the decision of the Military Court of Bishkek garrison as of November 20, 2013, Babaev Eric Oskonalievich and Oleg Nikolaevich Kapustin were found no guilty according to the Articles 305 Part 2, para. 3,4,5 and Article 104 Part 2, para. 9, Part 3, para. 2, Part 4 of the Criminal Code of the Kyrgyz Republic for the lack of evidence of involvement in the crime.

78. According to the Military Court of Bishkek garrison, the above-mentioned verdict was appealed by the Military Prosecutor's Office and the case is at the stage of sending to the Military Court of the Kyrgyz Republic.

On the case of Mamataziz Bizirukov

79. Regarding the death of M. Bizirukov, born in 1948 in the establishment No. 25: the death was on September 1, 2011 because of cardiovascular accident.

On the case of Ulugbek Hamrakulov

80. With regard to the death of the convict U. Hamrakulov, born in 1978: the death occurred on August 31, 2011 in the establishment No. 27, the post-mortem diagnosis was infiltrative pulmonary tuberculosis.

81. The Law "On Combating Terrorism" was adopted in Kyrgyzstan as of November 2006, which defines the basic principles of counter-terrorism, organizational and legal framework for prevention of terrorism and counter-terrorism, minimizing the consequences of terrorism, the coordination among government agencies involved in the fight against terrorism, rights and obligations of individuals and legal entities, irrespective of ownership, in connection with the implementation of counter-terrorism, as well as international cooperation in order to counter terrorism.

82. Amendments to the Criminal Code of the Kyrgyz Republic were adopted in 2013 to toughen penalties for terrorist activities (use of firearms, ammunition, explosives, poisonous, radioactive or nuclear, chemical, biological and other weapons of mass destruction) from 15 to 20 years of imprisonment and life imprisonment for terrorist acts resulting in the death of people.

83. During ethnic clashes between Kyrgyz and Uzbeks in June 2010 in the south of Kyrgyzstan 5649 crimes were recorded (according to the Department of Internal Affairs - 4366) of which 403 crimes or 7.1% were detected. There are 5641 criminal cases initiated in total (according to the Department of Internal Affairs - 3484).

84. In total, 288 (according to the Department of Internal Affairs – 252) cases were sent to court against 474 (according to the Department of Internal Affairs – 403) persons, including 136 persons of Kyrgyz ethnicity and 331 Uzbek and 7 – other ethnicities.

85. In total, 23 criminal cases were terminated. All these criminal cases were terminated for lack of evidence, no one was charged under the given criminal cases, including 13 criminal cases in Osh city, 4 criminal cases in Osh oblast and 6 cases in Jalal-Abad.

86. In total, 4495 (on the Department of Internal Affairs – 4323) criminal cases were suspended, of which 47 according to the Article 221, Part 1, para. 1 of the Civil Procedural Code of KR (on the Department of Internal Affairs -38) 4448 cases were initiated according to Article 221, para. 3, Part 1.

Prohibition of torture and ill-treatment in prisons and the fight against impunity

87. Following the adoption of the Constitution of the Kyrgyz Republic in 2010, the country began a new phase of the reform of the judicial system.

88. In accordance with the Law "On introduction of the Constitution of the Kyrgyz Republic" dated June 27, 2010, all judges in the country should have undergone reassignment through participation in an open competition conducted by the newly established constitutional body, the Council for the Selection of Judges, composed of representatives of the judiciary system, legal practitioners and civil society representatives.

89. As part of this process, in accordance with the requirements of the Constitution, the Supreme Court and provincial courts were formed. The judges in these courts elected chairmen and vice- chairmen of the courts. The work on the formation of the legislative framework of the courts, regulating the issues of judiciary proceedings, legal and social status of judges, strengthening the guarantees of their independence and increase of their responsibilities.

90. One of the important steps in this regard was the development and adoption of the National Strategy for Sustainable Development of the Kyrgyz Republic for 2013-2017, which enshrined the main areas for further development of the judicial system of the Kyrgyz Republic.

91. The consultative body – the Council for Judicial Reform- was established to coordinate measures on priority areas of the judicial reform held in the country, ensure concerted government actions to implement the main developments in this area.

92. The measures provided in the aforementioned National Strategy are currently being implemented within the framework of the Presidential Decree as of August 8, 2012 "On measures to improve justice in the Kyrgyz Republic" and the Action Plan to reform the judicial system of the Kyrgyz Republic for 2012-2014", approved by the Board on Judicial Reform under the President of the Kyrgyz Republic dated October 12, 2012 under No. 2, that highlighted the main recommendations, including proposals on the most pressing issues and problems of the judicial system and legal proceedings, valuable analysis and specific proposals on a number of priority areas of judicial reform in the near future.

93. Six working groups were created from among the judges, lawyers, civil society representatives, academics, representatives of various government agencies within the framework of implementing the measures set forth in the Decree of the President aimed at improving the procedural rules of law and the administration of justice, including the Criminal Code, the Criminal Procedure Code and the Penitentiary Code of the Kyrgyz Republic.

94. The issue of the approval of the State program of development of the judicial system for 2013 2017 has been developing now. A functional analysis of the judicial branch was held in collaboration with international partners with further development of specific proposals for improving the activity of courts and judges for the purpose of approval of this program in 2012.

95. The Supreme Court of the Kyrgyz Republic with the support of project partners from USAID/IDLO Judicial Strengthening Program initiated creation of the Internet portal www.sot.kg that successfully operates now.

96. The Supreme Court of the Kyrgyz Republic and local courts in Bishkek has been maintaining the Internet resource since April 2013. Preparatory works to connect the courts of Chui and Osh oblasts to the Internet portal are in progress.

97. An information resource www.sot.kg operates now. Besides the information resource www.sot.kg, work on introduction of AV recording of the hearings in courtrooms is in progress. At present, this system is installed in the Supreme Court of the Kyrgyz Republic, and in some local courts. Audio-video recording of the hearings will help to ensure the integrity and objectivity of hearings and will discipline the participants of the proceedings as well as the judges.

98. A new Internet web site of the Supreme Court of the Kyrgyz Republic www.jogorku.sot.kg has been operating from 2012. This Internet resource provides detailed information about the activities of the courts of the Kyrgyz Republic and the ongoing judicial reform in the country. This web-site also provides the possibility for submission of online applications and complaints for citizens, legal entities and individuals that also have a positive impact on improving the transparency and openness of the courts.

99. The Judicial Department, as a body responsible for the material and technical provision of local courts and enforcement of judgments, along with the Judicial Training Center have been separated from the executive branch and passed to the control of the judicial branch.

100. In order to reduce torture and ill-treatment, MIA have developed measures to reform the internal affairs of the Kyrgyz Republic, approved by the Decree of Government No. 220 as of April 30, 2013 aimed to create an effective system of law enforcement, public safety, enjoying the confidence of the society and create necessary conditions for the formation of a highly qualified staff of the internal affairs bodies that meet the requirements of professional ethics.

101. The Regulation on performing active duty of soldiers and officers of the internal affairs bodies was approved in June, according to which a number of changes and additions have been introduced. One of the most effective innovations: in practice, in most cases initiated against police officers accused of committing a crime, the prosecution was stopped on the basis of reconciliation, due to changes in the circumstances, etc., which did not prevent further performance of active duty by the staff in the Department of Internal Affairs. Currently, police officers being charged, inter alia, in torture, are dismissed from the internal affairs even in the reconciliation of the parties. Employees can continue to serve only if the prosecution is dismissed for lack of legal components of crime, evidence of a crime, either for failure of evidence.

102. Memorandum of Cooperation in the field of protection of human rights and freedoms was reached in June 2012 between the Ombudsman, the General Prosecutor's Office, Ministry of Internal Affairs, Ministry of Health, Ministry of Justice, State Service of Execution of Punishments, OSCE and 12 public organizations whose activities are aimed at protecting the rights and freedoms. Under the given Memorandum, the parties are entitled to joint visits to places of detention across the country, without prior notice; in order to identify problems related to the violation of human rights in these institutions, in particular the practice of torture. The terms of the Memorandum were extended until the end of 2013. Plans of the partners within the framework of the new Memorandum of Cooperation for 2014 were discussed in December 2014.

103. In general, 30 criminal cases were initiated by the investigators of the Prosecutor's Office of the Republic in 2012 according to the para. 3 (with the use of physical violence or threat of violence) Part 2 (the same offense committed) of the Article 305 (committing of actions by an official that are clearly beyond his powers and that led to violation of the rights and legitimate interests of persons, in the absence of elements of crime under Article 305-1 of the Criminal Code, or legal persons or legally protected interests of society or the state).

104. The investigators of the Prosecutor's Office of the Republic initiated 14 criminal cases within 11 months of 2013 according to the para. 3 (with the use of physical violence or threat of violence) Part 2 (the same offense committed) of the Article 305 (committing of actions by an official that are clearly beyond his powers and that led to violation of the rights and legitimate interests of persons, in the absence of elements of crime under Article 305-1 of the Criminal Code, or legal persons or legally protected interests of society or the state).

105. The investigators of the Prosecutor's Office of the Republic and the National Security State Committee initiated criminal proceedings against the police officers who committed an offense through the abuse of official positions, exceeding of official authorities, under para. 3, Part 2 of the Articles 305 and 305-1 of the Criminal Code of the Kyrgyz Republic in 2012 and within 11 months of 2013.

106. The National Security State Committee initiated 2 criminal cases within 11 months of 2013 on the grounds of crime under para.3, Part 2 of the Article 305 and additional Articles were charged on the given criminal cases: para. 4 of the Article 305-1 of the Criminal Code of the Kyrgyz Republic.

107. The National preventive mechanism, the National Center for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was established in June 2012 in accordance with the obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with the Law, the National Center is an independent body managed by the Coordination Council, whose members are Ombudsman, 2 deputies and eight human rights defenders, as well as the Director of the National Center to be all approved by the Coordination Council. The National Center has the right to an unlimited access to places of detention without prior notice, provides recommendations for actions and improvements, and specific public authorities are obliged to consider these recommendations. National Center maintains direct contacts, exchanges of information on matters relating to methods and strategies for the prevention of torture and ill-treatment with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including, if necessary, confidentially.

108. Another important document contributing in practice to reduction of torture by law enforcement agencies is the Memorandum of Cooperation in the field of protection of human rights and freedoms reached between the Ombudsman, the General Prosecutor's Office, Ministry of Internal Affairs, Ministry of Health, Ministry of Justice, State Service of Execution of Punishments, OSCE and 12 public associations aimed at protecting human rights and freedoms which has been in effect since 2012. In accordance with the Memorandum, its members have the right to hold joint visits to places of detention across the country, without prior notice, in order to identify problems with human rights violations in these institutions, in particular the practice of torture.

109. It is also necessary to mention the work of the Public Supervisory Boards under all ministries and departments of the Kyrgyz Republic, which bring together human rights activists and other civil and academic representatives. These Boards are an effective platform for dialogue between the state and society, for the exchange of information on violations of human rights and freedoms, the development of plans for joint activities to monitor the implementation of the rights of citizens, etc.

110. A Public Supervisory Board was established under the State Service for the Execution of Punishments under the Government of the Kyrgyz in 2011, which consists of 14 members who are representatives of non-governmental organizations. The Public Supervisory Board regularly monitors adherence to the rights of convicts, as well as their conditions of detention.

111. A number of measures are being taken in terms of improving the conditions of detention and identifying cases of torture in detention centers of the State Service for the Execution of Punishments. One of the examples is the introduction of standard forms of medical examination at the placement of persons in temporary detention facilities, detention centers, penal colonies.

112. Currently, the process of approval of the very important document, the Action Plan on the implementation of the recommendations drawn by Mr Juan Mendez, the UN Special Rapporteur, following his visit to Kyrgyzstan in December 2011 is taking place.

113. Legislation of the Kyrgyz Republic provides for civil and criminal liability for violence and child abuse.

114. Main activities, actions for the protection of children living in difficult situations have been included in the Development Strategy of Social Protection of the Kyrgyz Republic for 2012-2014 and the plan of the main activities of the Ministry of Social Development of the Kyrgyz Republic for 2013-2014.

115. The Ministry and its territorial divisions carry out activities to identify the disadvantaged, dysfunctional families, children in difficult life situations, ill-treated children, children not attending schools, as well as visits to prevent crime among under-aged on a regular basis in accordance with the work plan for the purpose of implementing the given Strategy.

116. In identifying the families and children subjected to violence, specialists of territorial units of the Ministry together with the specialists of aiyl okmotu in the villages or representatives of the local government in the cities develop plans of individual works with families and/or an individual plan for child protection, and gets information on the following issues within 10 calendar days:

- Does this child need protection services?
- Does this child need rehabilitation programs?
- Is it possible to keep the child in the family or there is a need to place him out of the family?
- Does the child need committeeship, adoption or placement in the foster home?

117. In general, 1219 individual plans for child protection were developed by the end of the third quarter 2013 and 1009 individual plans for child protection were approved by the Child Committee. The number of developed plans of individual works with families was 3931 and 2601 were approved by the Child Committee. 1297 plans of individual works with families were implemented and released from control. The implementation of the remaining plans of individual work with the family is in progress.

118. In exceptional cases, where there is a direct threat to life and health of the child (physical or psychological violence, abuse or exploitation and other cases) the territorial division of the authorized state body for the protection of children is taking urgent measures to protect the rights of the child and decisions to place the child outside the family.

119. The territorial division of the Ministry informs the prosecutor and the Child Committee in writing on urgent actions taken within a day and not later than three days develops a plan to provide protection for the child, sends the results to the Child Committee and later to the court.

120. The Ministry developed the Provisional Regulations on the procedure for identifying and social support for children and families in difficult situations, which was approved by order No. 118 of the Ministry of Social Development of the Kyrgyz Republic dated September 26, 2013. The Provisional Regulations on the procedure for identifying and

providing social support for children and families in difficult situations were introduced in the pilot areas of the country on November 1, 2013.

121. Rehabilitation institutions, such as the Center for Street Children Rehabilitation, Center for Social Adaptation of Children, Center for assistance to children, victims of violence, and others operate in the system of the Ministry in order to provide social, legal and psychological support.

122. Mobile teams from among the inspectors on juvenile affairs, representatives of education, health, social development establishments and workers of the "Center to help children" were created in Bishkek to timely respond to the facts of violence against children.

123. 11 rehabilitation centers covering 500 children were created in Osh and Jalal-Abad regions under the financial and technical support of UNICEF in order to develop social services for children in difficult situations. These Centres provide children with about 10 types of social and rehabilitation services.

124. Deprivation of parents of their parental rights based on the court's decision is the extreme measure. One of the grounds for termination of parental rights is an abuse of parental rights, child abuse, including the commitment of physical and mental violence against them, an attempt on their sexual integrity, premeditated crimes against life and health of children.

125. 459 lawsuits on the termination of parental rights were filed to the judicial authorities of the republic within the first 9 months of 2013, of which 276 cases were considered and 263 judgments were issued on the deprivation of parental rights.

126. The Ministry adopted a decree No. 10 "On Approval of the order of admission, registration and authorization of messages or other information provided via the "hot-line" as of February 13, 2013.

127. Citizens having information about the facts of violence and ill-treatment in families towards juveniles, may anonymously contact via hot-line. The hot-line services are aimed at reducing psychological discomfort, creating an atmosphere of psychological security for the adolescents and their families in difficult life situations.

128. The employees of the Juvenile Inspectorate of the Department of Internal Affairs of the Kyrgyz Republic are holding information campaigns among the population and in educational institutions on prohibiting physical punishment of the under-age, as well as suppression and prevention of domestic violence against children and the under-age jointly with the employees of Social Development and Education in fulfillment of the Law "On social and legal protection from domestic violence" and the Code No. 100 of the Kyrgyz Republic "On children" as of July 10, 2012,.

129. Pursuant to the Law "On social and legal protection from domestic violence", MIA issued an order No.767 as of September 17, 2013 "On Amendments to the order issued by MIA No. 601 as of July 22, 2013 "On measures of improving the activities carried out by the Department of Internal Affairs of KR on prevention of juvenile delinquency", where an item was incorporated providing for temporary protective order or protective court order in respect of a person who has committed family violence against children and the under-age, as well as the responsibilities of the Juvenile Inspectorate to produce administrative minutes under Articles 66-3 (Domestic violence), 66-4 (Failure to fulfill the conditions of temporary protective order) and 66-5 (Failure to fulfill the conditions of the protective court order) of the Code of Administrative Responsibility.

130. The Ministry of Internal Affairs in collaboration with the Office of the Ombudsman, the Ministry of Education and Science, Social Development, Health, Labor, Migration and

Youth of the Kyrgyz Republic and the State Agency on Local Self- Government of the Kyrgyz Republic implements a pilot program "School without violence" in order to build safe educational environment in educational institutions of the Kyrgyz Republic. Project was introduced in 20 pilot schools in the country, including 4 schools in Chui, 4 in Osh, 4 in Jalal-Abad, 4 in Issyk-Kul oblasts and 2 Bishkek and 2 in Osh cities.

131. Additionally, the selection of 8 pilot schools was carried out in 2013, including 1 in Bishkek, 2 in Osh oblast, 1 in Jalal-Abad, 1 in Batken, 1 in Talas, 1 in Naryn and 1 in Issyk-Kul oblasts.

132. The staff of the juvenile inspections together with officials of ministries and agencies involved in the implementation of the program is conducting questioning of the students, trainings and round tables for students and teachers, as well as practical measures to prevent violence among students in the educational institutions of the Republic.

133. The secondary school No. 14 in Bishkek hosted a reception for children living in difficult situations in order to identify children who are abused and provide timely psychological and other assistance under the pilot program "School without violence". Mobile teams of juvenile inspectors, representatives of education, health, social development and workers of the "Center to help children" were created to ensure timely response to the facts of violence against children in Pervomaiskiy, Sverdlovsky, Oktybrsky and Leninsky districts of Bishkek.

134. The pilot project "Support for children affected by the violence" has been implemented since 2010. The center itself has been functioning since December 15, 2011. The center moved to the balance of Bishkek Mayor's Office from January 2013. More than 400 children living in difficult situations were provided support within the given period.

135. Suspected or accused of committing crimes as prescribed by the Criminal Procedure Code of the Kyrgyz Republic are subject to detention or placement in custody. Equality of persons in custody before the law, respect for human dignity, freedom from torture, adherence to generally accepted norms of international law, the right to judicial protection and legal aid and a number of other provisions are based on the Constitution of the Kyrgyz Republic and have a direct effect.

136. Grounds and procedures of identifying detention as a preventive measure are enshrined in Article 110 of the Criminal Procedure Code. The court should comply with all requirements of the legislation of the Kyrgyz Republic in determining detention as a preventive measure.

137. MIA checks the knowledge on the rights and obligations, certain provisions of regulations, rules on the use of physical force against offenders, special means and weapons, signs of the wanted criminals and stolen items, etc., by the employees of Patrol-Guard Service of the Police under the Department of Internal Affairs on a daily basis during the briefings in order to prevent the facts of involuntary detention.

138. MIA has also adopted a Code of Professional Ethics of the internal affairs bodies of the Kyrgyz Republic (order No. 164 of MIA as of February 27, 2013).

139. The bodies of Internal Affairs are guided by the Law "On the procedure and conditions of detention of persons detained for being suspected and accused of committing crimes", according to the Governmental Decree under No. 57 as of February 2, 2006 "On Approval of the internal rules in temporary detention centers of Internal Affairs of the Kyrgyz Republic".

140. According to the Government Decree No.57 of the Kyrgyz Republic dated as of February 2, 2006 "On Approval of the internal rules in temporary detention centers of Internal Affairs of the Kyrgyz Republic", men and women, juveniles and adults are placed

separately. In exceptional cases, juveniles may be placed with positively characterized adults, who held criminally responsible for the crimes for the first time under the permission of the prosecutor.

141. In accordance with the Article 40 of the Code of Criminal Procedure, a person arrested or detained have the right to have a lawyer from the moment of the first interrogation and in detention from his actual arrival in the investigative authority.

142. Each time when the suspect is brought to the temporary holding facility, as well as when receiving a complaint from him, his lawyer, relatives on the commitment of physical violence towards him by the investigation officers, he shall be subject to mandatory medical examination with providing respective records.

143. The order No. 799 was issued as of August 23, 2011 "On ensuring access to the members of the Public Supervisory Board under MIA of KR to temporary holding facilities of the Department of Internal Affairs of KR" in order to exercise control over the observance of the rights of citizens, unhindered access at any time of day of the members of the Public Supervisory Board of MIA to temporary holding facilities of the Department of Internal Affairs.

144. Execution of the order No. 263 issued by MIA (Section 2) fully eliminates illegal actions of the guards of temporary holding facilities against detainees placed in isolation wards, as there are no direct contacts of the employees with the prisoners, keys of the wards are with duty or duty aides of the Department of Internal Affairs where there are wards. Registration of the detainees is held in strict accountability with the entries in journals of the temporary holding facilities which are provided only to investigators who complete the documents on detention.

145. In addition, 186 video surveillance is installed in the temporary holding facilities of the Department of Internal Affairs.

146. The temporary holding facilities of the Department of Internal Affairs of Kara-Suu rayon of Osh oblast was built in 1994 and located in the basement, the entrance and exit is through the call center of the Department of Internal Affairs. There are 7 wards, the actual occupancy is 42 people, there are 2 video surveillance installed, there is one summer shower, 1 exercise yard, 1 investigative room, 7 alarms.

147. Within the reporting period, the staff conducted 2 repairs of the building in order to improve conditions in the detention center and the sanitary conditions of the temporary holding facilities of the Department of Internal Affairs of Kara-Suu rayon.

148. According to the order No. 67 issued by MIA as of March 11, 2013 "On the establishment of the commission of MIA", the audit of the organization of the work of temporary holding facilities of the Department of Internal Affairs of Bishkek and Chui oblast, as well as state of storage of weapons and ammunition, availability of model plans and timely adjustments of them took place from 11 to 14 March 2013.

149. In accordance with the Law "On introduction of the Constitution of the Kyrgyz Republic" as of June 27, 2010, all judges in the country shall have undergone reassignment through participation in an open competition conducted by specially educated constitutional body, the Council for the Selection of Judges, composed of representatives of the judiciary system, legal practitioners and civil society representatives.

150. The Board on the selection of judges in accordance with the Article 3 of the Law of KR as of June 13, 2011 No. 40 "On the Council on selection of judges of the Kyrgyz Republic" is responsible for:

1. Council:

(1) Conducting a competitive selection for the vacant positions of judges of the Supreme Court, the Constitutional Chamber and local courts with regard to the representation of not more than seventy percent of the same sex;

(2) On the basis of competitive selection, it offers candidates to the President of the Kyrgyz Republic (hereinafter the President):

- for recommendation to the Parliament of the Kyrgyz Republic for the vacant post of judge of the Supreme Court, the Constitutional Chamber;
- for appointment to the vacant post of judge of a local court;

(3) Presents proposals on rotation of local judges to the President;

(4) Approves the Council Regulation and the Regulation on the competitive selection;

(5) Approves legal topics and questions for competitive selection;

(6) Decides on suspension of powers of a member of the Council.

2. To exercise its powers, the Council shall be entitled to:

(1) Request and receive necessary information, documents and other materials from the state and local governments, organizations and their officials;

(2) Hear oral and request for written explanations of government officials and local authorities;

(3) Invite government officials and local authorities, representatives of organizations and citizens to its meetings.

List of documents and materials which may be requested by the Council shall be approved by the Council Regulation.

151. Kyrgyz military courts administer justice in the Armed Forces of the Kyrgyz Republic, in bodies and structures in which the legislation of the Kyrgyz Republic provides for military service, as well as handle cases related to their jurisdiction by the procedural law.

152. In accordance with Article 240 of the Code of Criminal Procedure:

- Military courts of garrisons have jurisdiction over criminal cases of all crimes committed by military personnel, and called on the charges liable for military service.
- In charge of one person or group of persons in several crimes, even if a single case falls within the jurisdiction of a military court, the case of all crimes will be considered by the military court.
- When charging a group of persons in having committed one or more offenses, if the case against at least one of these persons falls within the jurisdiction of a military court, and in the other under the district (city) court, the case against all the accused is considered by a military court.

153. In accordance with Article 26 of Code of Civil Procedure of the Kyrgyz Republic, the garrison military court considers civil cases to protect the violated and (or) the disputed rights, freedoms and lawful interests of individuals having the military status in accordance with the legislation of the Kyrgyz Republic, as well as bound to military service from the action (inaction) of the military administration, military officials and their decisions.

154. Constitution of the Kyrgyz Republic guarantees freedom of conscience and religion to every citizen. Everyone has the right to profess, individually or jointly with others, any religion or no religion. Everyone has the right to freely choose and to have religious or other beliefs. Nobody can be forced to express their religious or other beliefs or to deny them.

155. The Law of the Kyrgyz Republic "On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic" was adopted on December 31, 2008, and the current Constitution adopted on June 27, 2010. Nevertheless, the provisions of relevant constitutional norms guarantee everyone the right to freedom of religion and atheistic beliefs (para. 1 Article 4).

156. 304 religious organizations have been registered after the adoption of the Law "On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic".

157. Currently, the development of the draft Law on amendments to the Law "On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic" was initiated. It is in particular, the revision of the rules concerning the quantitative threshold of the initiators in the establishment of a religious organization, removal of temporary regulations limiting foreign missionaries stay in the Kyrgyz Republic, etc. This work will be carried out in the framework of the Plan of lawmaking activities of the Government in 2014.

158. The Supreme Court of the Kyrgyz Republic and local courts sent requests to examine the constitutionality of paragraphs 1, 4, 7 of the Article 32, paragraph 1 of Article 35 and paragraph 1 of Article 36 of the Law of the Kyrgyz Republic "On universal conscription of citizens of the Kyrgyz Republic, on the military and alternative service" in constitutional Chamber of the Supreme Court of the Kyrgyz Republic.

159. The above questions have been considered by the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic on November 19, 2013: the first paragraph of Part 4, Part 7, Article 32, Part 1, Article 35 of the Law of the Kyrgyz Republic "On universal conscription of citizens of the Kyrgyz Republic, on the military and alternative service" are in conflict with the Constitution of the Kyrgyz Republic. The Ministry of Defense currently submitted the draft Law "On Amendments to the Law of KR "On universal conscription of citizens of the Kyrgyz Republic, on the military and alternative service" to the Government of the Kyrgyz Republic for consideration.

160. The Constitution of KR as of 2010 set new standards in terms of guarantees of certain rights and freedoms, including the right to freedom of peaceful assembly. Thus, the Law of the Kyrgyz Republic "On peaceful gatherings" No. 64 dated May 23, 2012 regulates the social relations associated with the implementation of the right of everyone to peaceful assembly and guarantees the right to freedom of peaceful assembly, recognizing a citizen of the Kyrgyz Republic, a foreign citizen or stateless person as a participant of the gatherings, and ensured responsibility of the authorities in accordance with their competence.

161. The right to freedom of peaceful assembly can not be limited, except as required by law in order to ensure public safety, public order, public health or the protection of citizens' rights and freedoms of others.

162. Presidential Decree No. 74 as of April 10, 2013 approved the Concept of strengthening the unity of the people and inter-ethnic relations in the Kyrgyz Republic for the period of 2013-2017 years, which focuses on early warning and prevention of ethnic conflicts and strengthening the unity of the people of the country for building of civic identity. The first chapter of the concept: state-legal regulation of inter-ethnic relations in paragraph 1.14 clearly sets the objectives to increase the ethnic minority representation in the staffing of the state and municipal law enforcement and judicial authorities of the

Kyrgyz Republic. In this direction, Priority Action Plan on the implementation of the Concept of strengthening the unity of the people and inter-ethnic relations in the Kyrgyz Republic for the period 2013-2017 adopted by the Order No. 330-p of the Government of the Kyrgyz Republic as of October 30, 2013 will be implemented with appropriate funding provided from the state budget.